

REMARKS/ARGUMENTS

This is a response to the Official Action dated April 11, 2003 and the Advisory Actions dated July 24, 2003 and September 26, 2003. This Response is being filed concurrently with a Request for Continued Examination (RCE) and a request for a three-month extension of time up to and including October 14, 2003 (Monday, October 13, 2003 was a Federal holiday).

After amendment of the claims as indicated above, claims 20, 21, 24, 27-32, and 55-58 will remain pending in this application. Claim 20 has been amended to incorporate the elements of claim 17, as well as to further define the claimed compound as explained more fully below.¹ Claims 17, 22, 23 and 26 have been canceled, without prejudice, and Applicant expressly reserves the right to file and prosecute these claims in any subsequent continuation or divisional applications. No claims have been added in this amendment.

Further to the Examiner's suggestion, claim 20 has been amended consistent with the Group IV claims in the April 10, 2002 Restriction Requirement. Specifically, claim 20 now reads such that:

R³¹ defines a C6-C14 aromatic carbocyclic ring system substituted with 1 R¹⁰ where R¹⁰ is of the formula -NR¹³C(=O)R¹³;

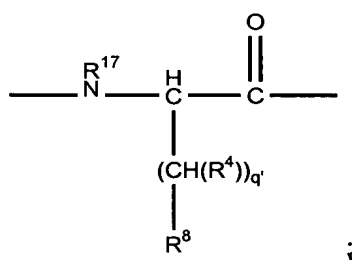
J is an L-isomer or D-isomer amino acid of structure -N(R³)C(R⁴)(R⁵)C(=O)-;

K is a D-isomer or L-isomer amino acid of structure -N(R⁶)CH(R⁷)C(=O)-;

¹ Applicant notes that the elements incorporated into claim 20 include the proposed amendment to claim 17 set out in Applicant's July 3, 2003 Response (*i.e.*, substituting "the concentration of radioactivity within" for "a physical property of" in element b). The July 24, 2003 Advisory Action indicates that this amendment was not entered at that time.

L is $-Y(CH_2)_vC(=O)-$, wherein Y is NH;

M is a D-isomer or L-isomer amino acid of structure:



L_n is a linking group of formula $M^1-[Y^1(CR^{55}R^{56})_f(Z^1)_fY^2]_f-M^2$, wherein:

M^1 is $-[(CH_2)_gZ^1]_{g'}-(CR^{55}R^{56})_{g''}-$;

M^2 is $-(CR^{55}R^{56})_{g''}-[Z^1(CH_2)_g]_{g'}-$;

g is 0;

g' is 0;

g'' is 0;

f is 0;

Y^1 is a bond;

Y^2 is $NHC(=O)$;

C_h is a radionuclide metal chelator or bonding unit bound to the transition metal radionuclide of the formula $R^{40}R^{41}N-N=$ wherein:

R^{40} is a heterocycle substituted with 1 R^{52} ;

R^{52} is a bond to L_n ;

A_{L1} is a first ligand wherein each of the y first ligands are functionalized aminocarboxylates; and

DOCKET NO.: DM6993/BMS-0689
Application N .: 09/534,893
Office Action Dated: April 11, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

A_{L2} is a second ligand wherein each of the z second ligands are trisubstituted phosphines.

Applicants submit that the claims are consistent with the Group IV claims in the April 10, 2002 Restriction Requirement. Accordingly, reconsideration of the application and a notice of allowance are respectfully requested.

CONCLUSION


Applicant believes that the foregoing constitutes a complete and full response to the Office Action of record. An early and favorable consideration of the present application is respectfully requested.

Please continue to send all correspondence to:

Bristol-Myers Squibb Pharmaceutical Company
P.O. Box 4000
Princeton, New Jersey 08543-4000
Telephone: (302) 467-5260
Facsimile: (302) 467-6701

Respectfully submitted,

Date: October 14, 2003


Steven D. Maslowski
Registration No. 46,905

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439